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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,582	02/26/2004	Shawn P. Kelly		4359

7590 11/09/2006  
Shawn P. Kelly  
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EXAMINER

PETERSON, KENNETH E

ART UNIT PAPER NUMBER

3724

DATE MAILED: 11/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No. 10/786,582	Applicant(s) KELLY ET AL.	
	Examiner Kenneth E. Peterson	Art Unit 3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2,5,6,10,11,14-17,20-27,29-38 and 40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,6,10,11,14-17,20-27,29-38 and 40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 Feb 04 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

1. Applicant's petition to revive this case from abandonment was successful.

Prosecution picks up where it left off, namely at election.

2. The non-elected claims have been cancelled without traverse in the reply filed on 12 June 06.

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the claimed subject matter must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. Examiner notes that almost all of the structure in the claims is missing from the drawing, including the handle, the coupling, the pivotal connection and many other things. The depiction of the piezoelectrics and cutting blades is so dark and undetailed that it is meaningless.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. Claims 1,2,5,6,10,11,14-17,20-27,29-38 and 40 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The specification and drawings are GREATLY lacking in the detail required to enable one of ordinary skill to make and use the device. There is no detailed description of the invention. It is not clear how one would construct the internal workings of the device. In particular, the electrical coupling has no drawing or description. The pivotal connection between the head and handle is completely without basis in the specification and drawings. The manner of making a control module that varies the frequency and amplitude is left as a mystery. The manner in which the piezoelectrics attach to and power the blade is unclear. These are just the most gross shortcomings, and the specification should be carefully checked to see what else is missing.

5. Claims 1,2,5,6,10,11,14-17,20-27,29-38 and 40 are objected to because of the following informalities:

On line 8 of claim 1, "a" should be ~~—said—~~.

At the end of claims 11, "mentioned in claim 1" should be deleted.

On line 1 of claim 21, after "said", ~~—one or several—~~should be inserted.

On line 2 of claim 21, "a" should be ~~—said—~~.

On line 2 of claim 22, "the said" should be ~~—an—~~, and "mentioned in claims 2" should be deleted.

At the end of claim 23, "mentioned in claim 1" should be deleted.

At the end of claim 25, "mentioned in claim 1" should be deleted.

Appropriate correction is required.

6. Claims 1,2,5,6,10,11,14-17,20-27,29-38 and 40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Since the subject matter of these claims was not adequately described in the specification and drawings, there is not an understanding sufficient enough to say that the claims are of clear scope. For example, what weight should be given to "coupling means" when there is no description of it in the specification? Numerous other examples could be given, but they would all be based on a lack of support in the specification.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1,2,5,6,10,11,14,16,17,21-25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davey (5,794,342) in view of Guimont et al. (2005/0178007).

Davey shows a razor with most of the recited limitations including a handle having a battery (64), a control module (70). Davey also shows a head (40,20) having a piezoelectric (50) connected to the blade (21-28).

Davey's head is not pivotable with an electric coupling. However, in the art of razors, it is well known for the head to pivot, and for electric couplings to exist at the coupling point. For example, see Guimont (paragraph 0059). It would have been obvious to one of ordinary skill in the art to have modified Davey by making his head pivotable with a modified electrical coupling, as taught by Guimont, in order to allow the shaving head to follow the curve of a users face without having to excessively pivot the users arm and hand.

In regards to claim 6, Davey does not explicitly say that the housing is plastic. Examiner takes Official Notice that it is ubiquitous in the art for razor housings to be made of plastic. It would have been obvious to one of ordinary skill in the art to have made Davey's housing plastic, as is well known, in order to be able to make it cheaply.

In regards to claim 25, Davey does not explicitly say that the blade is metal. Examiner takes Official Notice that it is ubiquitous in the art for razor blades to be made of metal. It would have been obvious to one of ordinary skill in the art to have made Davey's blade metal, as is well known, in order to take advantage of the available supply of metal blades.

9. Claims 15,20,26,29-38 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davey (5,794,342) in view of Guimont et al. (2005/0178007), as set forth above, and further in view of Dato et al. (6,421,918).

Davey, as modified above, shows a razor with all of the recited limitations except the frequency and amplitude of the blade vibration is not variable. However, Dato shows this to be well known (lines 63-67, column 3). It would have been obvious to one of ordinary skill in the art to have further modified Davey by making his control module (70) have variable frequency and amplitude control, as taught by Dato, in order to help the user find his particular preference.

In regards to claim 36, Davey's modified control has no save feature. Examiner takes Official Notice that it is well known for small appliance controls to have save settings, for example, new car seat and mirror controls have save settings. It would have been obvious to one of ordinary skill in the art to have further provided Davey's control module with a save feature, as is well known, in order to be able to maintain the settings at a desired level, even if others change them.

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10. All claims are rejected as set forth above, and further in view of Mead (3,509,626) or Scott (3,631,595). Since it is not clear how Applicant's piezoelectric and blade are connected, Examiner will throw in these additional references showing alternative connections. If it is deemed that Applicant's piezoelectric-blade connection is not the same as Davey's, then Examiner notes that there are numerous other styles, such as Mead's and Scott's that work equally well. It would have been obvious to one of ordinary skill in the art to have employed Mead's or Scott's piezoelectric-blade connection in lieu of Davey's, since they are art recognized equivalents known for the same purpose.

11. Made of record but not relied on are patents to Kurlis, Pragt and Rose showing pertinent razor drives.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth E. Peterson whose telephone number is 571-272-4512. The examiner can normally be reached on Mon-Thur, 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

kp

  
**KENNETH E. PETERSON**  
**PRIMARY EXAMINER**